



## Solid Wood Packing Material from China

### A Summary of U.S. Entry Requirements According to 7CFR 319.40

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**Summary:** We are amending the regulations for importing logs, lumber, and other unmanufactured wood articles by adding treatment and documentation requirements for solid wood packing material (SWPM) imported from China. This regulation change effects wood packing material made from solid wood, as opposed to loose wood packing materials such as sawdust, wood shavings and excelsior. This change means that wooden pallets, crating, dunnage, and other wooden packing material imported into the United States from China will have to be heat treated, fumigated, or treated with preservatives prior to departure from China. This does not include the wood flooring in metal shipping containers. This action will affect anyone who uses solid wood packing material in connection with exporting commodities from China to the United States. This action is necessary to control the risk that solid wood packing material from China could introduce dangerous plant pests, including forest pests, into the United States, a risk demonstrated by many recent incidents where exotic pests were detected in solid wood packing material from China.

The regulation change becomes effective December 17, 1998. Solid wood packing material exported from China and Hong Kong after December 16, 1998 must be treated before entering the United States. The packing material cannot be treated in the United States.

**Exempted packing materials:** Packing materials made of synthetic or highly processed wood materials are exempt from the regulations. Examples include articles such as plywood, oriented strand board, particle board, corrugated paperboard, plastic and resin composites.

#### **Approved treatments:**

A. Methyl bromide fumigation using the following schedule:

Temperature	Dosage Rate	Minimum Concentration Readings (oz.) at:			
		0.5 hr	2 hrs	4 hrs	16 hrs
70°F or above 21°C or above	3 lb/1000 ft <sup>3</sup> 48 g/m <sup>3</sup>	36	30	27	25
40°-69°F 4.5°-20.5°C	5 lb/1000 ft <sup>3</sup> 80 g/m <sup>3</sup>	60	51	46	42



B. Phosphine fumigation using the following schedule:

Temperature	Dosage rate	Minimum Concentration Readings (ppm) at 72 hrs.
40°F or above 4.4°C or above	33 g/1000 ft <sup>3</sup> (28.3 m <sup>3</sup> )	225*

\* An average reading with no reading less than 50 ppm.

C. Preservatives: Preservative treatments authorized by the United States Environmental Protection Agency (EPA) are also allowed. The major chemicals used for this purpose are arsenic, copper sulfate, creosote, copper-8-quinolate, chlorpyrifos, and oxine-copper. Proper adherence to label instructions is required to prevent adverse health effects to the applicators and those individuals involved in the shipping and handling processes.

D. Kiln dried wood: Solid wood packing material made from kiln dried lumber is an approved treatment. Kiln dried lumber is defined as wood dried with heat in a kiln so that its moisture content is less than 20 percent of the dry matter achieved through an appropriate time/temperature schedule.

**Treatment Time Limit:** We are not establishing a time limit for treatment of SWPM; i.e., SWPM will not be required to be treated within a certain number of days prior to embarking for the United States. Such a requirement would make it far more difficult for exporters to schedule treatment of SWPM and conduct treatments in large, cost-effective batches. However, to guard against reinfestation during the entire interval between treatment and export, the SWPM must be stored, handled, or safeguarded in a manner which excludes any infestation of it by plant pests.

**Documentation requirements:** Every shipment which has solid wood packing material must be accompanied by certification from the Chinese government stating that the wood has been heat treated, fumigated, or treated with preservatives. The certification may be a phytosanitary certificate, treatment certificate (Form P-10), or other documentation issued by the Chinese government. Shipments which do not have solid wood packing material must be accompanied by an exporter statement saying that the shipment contains no solid wood packing material.

**If a shipment arrives without certification:** If a shipment containing SWPM from China arrives at a port in the United States and the SWPM is found to contain plant pests, or the SWPM has not been heat treated, fumigated, or treated with preservatives, or there is no accompanying certificate documenting such treatment, an APHIS inspector may deny entry to the entire lot or shipment (cargo and SWPM). The inspector may allow the importer to separate the cargo from the SWPM, at a location and within a time period specified by the inspector, and destroy or



reexport the SWPM, if the inspector determines that this can be done without risk of spreading plant pests. This may only be done in cases where there is a secure facility for separation of the cargo, available means to destroy the SWPM (incineration, or chipping and incineration, are the authorized methods), and available APHIS inspectors to supervise the process. The importer will be responsible for all expenses associated with this process.

**User Fee:** APHIS will charge a new hourly user fee for providing APHIS services, primarily additional inspection services, and supervising separation of SWPM from cargo to facilitate the entry of SWPM when the services exceed the normal inspection and paperwork activities for which user fees are currently established in 7 CFR 354.3. The new user fee will cover situations where APHIS must inspect a shipment that lacks the exporter statement or certificate required by new Sec. 319.40-5(g) or (h), or where these documents are incomplete. The inspections will be necessary to determine whether the cargo contains SWPM, and if so, whether the cargo must be reexported or whether it can be safely separated from its SWPM. We expect the new user fee will primarily apply to situations under new Sec. 319.40-5(g)(3). Under new Sec. 319.40-5(g)(3), when an inspector determines that a shipment imported from China contains SWPM that was not heat treated, fumigated, or treated with preservatives, or that was not accompanied by a certificate documenting such treatment, the inspector may, in lieu of refusing entry, allow the importer to separate the cargo and destroy or reexport the SWPM under supervision of an APHIS inspector. These services exceed those normally provided for arriving international shipments. Normal services usually include reviewing paperwork to determine whether cargo contains prohibited or restricted articles, checking for any required permits or certificates, and occasional inspection to verify the status of cargo documented in the paperwork. We will charge hourly user fees for cases where inspectors must perform additional duties related to clearing shipments from China, as it would be difficult to establish a flat fee. This is because costs could vary widely from one customer to another, based on the nature and size of the shipment; consequently, a flat fee would be very inequitable to some importers and exporters. We are amending 7 CFR part 354 "Overtime Services Relating To Imports and Exports; and User Fees," to establish this new fee. The hourly user fee rate will be \$56.00, or \$14 per quarter hour, with a \$14 minimum. If the services must be conducted on a Sunday or holiday or at any other time outside the normal tour of duty of the employee, then the premium user fee rate as listed below applies, as well as the 2-hour minimum charge and a commuted travel time period required by Sec. 354.1(a)(2). If the services requested are performed on a Sunday, the hourly user fee rate will be \$74.00, or \$18.50 per quarter hour, with a \$18.50 minimum. If the services requested are performed on a day other than Sunday outside the normal tour of duty of the employee providing the service, the hourly user fee rate will be \$65.00, or \$16.25 per quarter hour, with a \$16.25 minimum.